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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,011

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Aloys Wobben

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 6300  
SEATTLE, WA 98104-7092

EXAMINER

CUEVAS, PEDRO J


ART UNIT

PAPER NUMBER

2834

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/088,011	Applicant(s) WOBBEN, ALOYS	
	Examiner Pedro J. Cuevas	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 12-14, filed on June 30, 2004, with respect to the rejection(s) of claim(s) 1-17 under U.S.C. § 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 5,734,257 to Schauder et al.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on September 13, 1999. It is noted, however, that applicant has not filed a certified copy of the 199 43 847.1 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,400,659 to Barron et al. in view of U.S. Patent No. 5,734,257 to Schauder et al.

Barron et al. disclose the construction of a high-speed apparatus and method of control of reactive power for voltage stabilization in electric power systems comprising an electrical network (41<sub>a,b,c</sub>), in which electrical power is produced by an electrical generator (10) driven by the rotor (13) of a wind power installation (20), wherein the electrical generator produces capacitive reactive power.

However, it fails to disclose a compensation device between the generator and the network for the compensation of reactive power by adaptation of the phase and/or amplitude of the reactive power component of the delivered electrical power and operates as an inverter, characterized in that the compensation device is so regulated that:

the electrical power delivered to the consumer has a reactive power component which is adapted in respect of its phase and/or amplitude and in respect of its frequency to the consumer to compensate for the reactive power in the consumer; and

the delivered electrical power is of a frequency which corresponds to the frequency of the reactive power caused by the consumer or represents a multiple of said frequency.

Schauder et al. teach the construction of a transmission line power controller with a continuously controllable voltage source responsive to a real power demand and a reactive power demand comprising a compensation device (52) between the generator and the network for the compensation of reactive power by adaptation of the phase and/or amplitude of the reactive power component of the delivered electrical power and operates as an inverter, characterized in that the compensation device is so regulated that:

the electrical power delivered to the consumer has a reactive power component ( $Q_{\text{DEMAND}}$ ) which is adapted in respect of its phase and/or amplitude and in respect of its frequency to the consumer to compensate for the reactive power in the consumer; and

the delivered electrical power is of a frequency which corresponds to the frequency of the reactive power caused by the consumer or represents a multiple of said frequency;

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for the purpose of allowing the transmission system to rapidly achieve the desired real power and reactive power flow (Abstract).

It would have been obvious to one skilled in the art at the time the invention was made to use the transmission line power controller disclosed by Schauder et al. on the high-speed apparatus and method of control of reactive power disclosed by Barron et al. for the purpose of allowing the transmission system to rapidly achieve the desired real power and reactive power flow.

5. With regards to claim 5-8, 12-19, 25-28, and 35 Barron et al. in view of Schauder et al. disclose the construction of a high-speed apparatus and method of control of reactive power of for voltage stabilization in electric power systems including a compensation device which measures the voltage and/or current configurations in the electrical network, and in dependence on the measurement results regulates the reactive power component in the electrical power produced by the electrical generator, wherein:

the voltage produced by the electrical generator is regulated substantially to a predetermined reference value with suitable adaptation of the reactive power component in the electrical power delivered to the consumer;

adaptation of the reactive power component is effected by suitable control of the power factor ( $\cos \varphi$ ) or the phase of the current produced by the electrical generator;

the electrical generator is connected to an electrical network by way of a line and/or a transformer, further including the step of: regulating the voltage produced by the electrical generator so that the value thereof is of the order of magnitude of the value of the network voltage or corresponds to the value of the network voltage;

the regulating device controls the inverter in dependence on the measurement results of the measuring device; and

the electrical generator is connected to an electrical network by way of a line and/or a transformer characterised in that the regulating device regulates the voltage produced by the electrical generator in such a way that the value thereof is of the order of magnitude of the value of the network voltage or corresponds to the value of the network voltage.

6. With regards to claim 9, it has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (571) 272-2021. The examiner can normally be reached on M-F from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pedro J. Cuevas  
September 23, 2004

JOSEPH WAKS  
PRIMARY EXAMINER

JOSEPH WAKS  
PRIMARY EXAMINER